

**REMARKS**

Applicants have amended Claims 8, 21 and 22. Support for the amendment can be found generally throughout the text, specifically at page 27, lines 1-13.

Applicants submit no new matter has been added by the present amendment.

Applicants withdraw from consideration Claims 1-7, 9, 19 and 20 and herein reserve the right to later file divisional applications directed to these claims.

In response to the Notice of Non-Compliant Amendment, Applicants have included the text of all the pending claims and provided the proper status identifier for each claim.

**Claim Rejection - 35 U.S.C. § 103(a)**

Claims 8, 10-18 and 21-26 again stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostoja-Starzewski, et al. (U.S. Patent No. 6,353,064). Applicants respectfully traverse this ground of rejection.

Applicants submit that "in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claims limitations. The teachings or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure." See MPEP § 2142, citing In re Vaeck, 947 F.2d 488, 20 USPQ 2d. 1438 (Fed. Cir. 1991).

Applicants respectfully submit Ostoja, et al. does not render the present invention obvious. The present invention is directed to a process for the homopolymerization or copolymerization of one or more olefin, cycloolefin, isoolefin, alkynes or diolefin monomers comprising the step of admixing one or more monomer in the presence of at least one transition metal compound having at least two ligands and at least one donor-acceptor interaction between the ligands, wherein at least one ligand is a fluorenyl ligand and the transition metal compound has at least one alkyl or aryl group on at least one acceptor atom, and optionally one

PO-7795

- 6 -

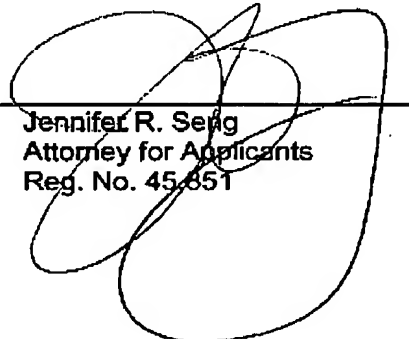
or more co-catalyst, wherein the process is carried out at a temperature from about -60 to about +250°C, wherein the process produces polymers having a molar mass  $M_n$  greater than 500 kg/mol.

As noted on page 3, according to the present invention, it is possible to provide transition metal compounds which can be used for the polymerization of olefins to give polymers **having high molar masses** both in the presence of small amounts of co-catalyst and at high temperatures.

Ostoja, et al. discloses supported catalysts with a donor-acceptor interaction. And as illustrated in a comparison of Ostoja, et al. Example 1 (polymerization of ethen) and Examples 7 and 8 (polymerization of ethen) the mass value in the present invention is greater than 500 kg/mol (actually, 3887 and 2244 kg/mol respectively), compared to 402 kg/mol in Ostaja, et al. As evidenced by the teaching of Ostoja, et al., there is no suggestion or motivation in Ostoja, et al. to use a special catalyst with the specific substitution patterns as claimed to provide polymers with a high mass. Accordingly, Applicants request withdrawal on this ground of rejection.

Respectfully submitted,

By



Jennifer R. Seng  
Attorney for Applicants  
Reg. No. 45,851

LANXESS Corporation  
111 Park West Drive  
Pittsburgh, Pennsylvania 15275-1112  
(412) 809-2233  
FACSIMILE PHONE NUMBER:  
(412) 809-1054

\\sr\S:\Chem Pittsburgh\Law Shared\SHARED\JRS\PATENTS\7795\7795Fina01-06-05.ra.doc

PO-7795

- 7 -